

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BIANCA SESSOMS,	§	
PLAINTIFF,	§	
	§	
v.	§	CIVIL CASE No. 3:22-CV-1666-M-BK
	§	
FINGERHUT, ET AL.,	§	
DEFENDANTS.	§	

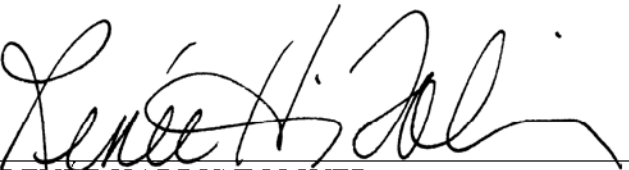
**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to [28 U.S.C. § 636\(b\)](#) and *Special Order 3*, this *pro se* case was referred to the United States magistrate judge for case management, including the issuance of findings and a recommended disposition. For the reasons that follow, this action should be **DISMISSED WITHOUT PREJUDICE** for failure to comply with a court order and want of prosecution.

On August 3, 2022, the Court issued an order admonishing Plaintiff of her responsibility to seek issuance of summons and serve process under [Rule 4\(m\) of the Federal Rules of Civil Procedure](#) within 90 days of filing, and warning her that failure to do so could result in dismissal of the case. Doc. 4. On October 18, 2022, because Plaintiff had not sought issuance of summons, the Court issued a second order notifying Plaintiff that her case would be dismissed under Rule 4(m) unless she completed service of process on Defendants or demonstrated good cause for failure to do so no later than November 2, 2022. [Doc. 6](#). As of this date, however, Plaintiff has done neither.

Accordingly, this action should be **DISMISSED WITHOUT PREJUDICE** for failure to properly serve Defendants. *See* [FED. R. CIV. P. 4\(m\)](#).

SO RECOMMENDED on November 9, 2022.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of this report and recommendation will be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* [28 U.S.C. § 636\(b\)\(1\)](#); [FED. R. CIV. P. 72\(b\)](#). An objection must identify the finding or recommendation to which objection is made, the basis for the objection, and the place in the magistrate judge's report and recommendation the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See* [Douglass v. United Services Automobile Ass'n](#), 79 F.3d 1415, 1417 (5th Cir. 1996), *modified by statute on other grounds*, [28 U.S.C. § 636\(b\)\(1\)](#) (extending the time to file objections to 14 days).